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Name of Registered Representative:

J. C. Freeman
John C. Freeman, Registration No. 34,483

March 21, 2003

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PATENT
CASE NO. 56/360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
Erich Strasser)
Serial No.: 10/005,489)
Filed: November 8, 2001)
For: POSITION MEASURING DEVICE)
AND METHOD FOR THE)
START-UP OF A POSITION)
MEASURING DEVICE)

Group Art Unit: 2863

Examiner: Sun, Xiuqin

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. In particular the requirements of 37 C.F.R.

§ 1.97(c) have been satisfied as shown by the attached certification in accordance with 37 C.F.R. § 1.97(e)(1). Copies of the references have been enclosed along with a completed copy of Form PTO-1449.

I. DISCLOSURE

A. U.S. Patents

| <u>Patent No.</u> | <u>Inventor</u> | <u>Issue Date</u> |
|-------------------|-----------------|-------------------|
| 5,131,017 | Huber et al. | 07/14/92 |

B. Foreign Patents

| <u>Reference No.</u> | <u>Country</u> | <u>Pub. Date</u> |
|----------------------|----------------|------------------|
| 40 11 411 A1 | Germany | 10/10/91 |

C. Literature

1. Patent Abstracts of Japan regarding Japanese publication 09 091045, published by Japanese Patent Office, Vol. 1997, No. 8, August 29, 1997, one page.

II. DISCUSSION

A. German Patent Reference No. 40 11 411

Based solely on the drawings and the English language abstract, the '411 reference is pertinent because it appears to disclose a position measurement system where an evaluation device is switched to a standby mode when a main supply voltage falls below a threshold. It is believed that U.S. Patent No. 5,131,017 corresponds to the '411

patent reference.

The '411 patent reference was designated as a Y-type reference in European Patent Application 01 12 5831, the European counterpart of the above-mentioned application. A Y-type reference is deemed to render the claimed invention obvious in combination with another Y-type reference.

B. Japanese Patent Reference No. 09 091045

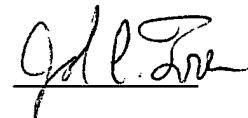
The '045 patent reference and the Patent Abstracts of Japan literature were each designated as a Y-type and D-type reference in European Patent Application 01 12 5831, the European counterpart of the above-mentioned application. Note that the '045 patent reference was previously filed by the Applicant on June 6, 2002.

III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to see. Applicant therefore requests that the Examiner

review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Applicant

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(312) 321-4200

Dated: March 21, 2003



CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(1)

I, John C. Freeman, certify that each item of information contained in the information disclosure statement attached hereto was first cited in a Search Report regarding European Patent Application No. 01 12 5831, which is the European counterpart of United States Patent Application Serial No. 10/005,489. The Search Report was mailed on February 24, 2003 which is not more than three months prior to the filing of the attached information disclosure statement.

A handwritten signature in black ink, appearing to read "J.C. Freeman".

Date: March 21, 2003

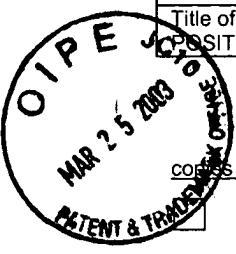
John C. Freeman
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| TRANSMITTAL LETTER | | | Case No. 56/360 |
|--|---------------------------------|--------------------------|------------------------|
| Serial No. 10/005,489 | Filing Date November 8, 2001 | Examiner Sun, Xiuqin. | Group Art Unit 2863 |
| Inventor Erich Strasser | | | |
| Title of Invention POSITION MEASURING DEVICE AND METHOD FOR THE START-UP OF A POSITION MEASURING DEVICE | | | |



TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Supplemental Information Disclosure Statement, Certification Under 37 C.F.R. § 1.97(e)(1), and copies of three (3) cited references; Form 1449, and post card.

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

- A statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- Petition for a _____ month extension of time.
- No additional fee is required.
- The fee has been calculated as shown below:

| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra |
|---|----------------------------------|-------|---------------------------------|---------------|
| Total | | Minus | | |
| Indep. | | Minus | | |
| First Presentation of Multiple Dep. Claim | | | | |

| Small Entity | | Other Than Small Entity | |
|-----------------|-----------|-------------------------|-----------|
| Rate | Add'l Fee | Rate | Add'l Fee |
| x \$9= | | x \$18= | |
| x \$42= | | x \$84= | |
| +\$140= | | +\$280= | |
| Total add'l fee | \$ | total add'l fee | \$ |

- Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$_____ to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John C. Freeman
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Attorney for Applicant

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